

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **"Automated Diagnostic Analyzer and Method"** which was filed with the U.S. Patent and Trademark Office on **April 30, 1999** as **U.S. Serial No. 09/303,030**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56(a);

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

### PRIOR FOREIGN APPLICATION(S)

Priority Claimed

(Number)

(Country)

(Day/Month/Year Filed)

yes

no

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

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GP095-02.UT

Prior U.S.A. Application(s)

60/083,927  
(Application Serial No.)

May 1, 1998  
(Filing Date)

Abandoned  
(Status - patented, pending, abandoned)

**POWER OF ATTORNEY:** I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

**PILLSBURY MADISON & SUTRO LLP**  
**1100 New York Avenue, N.W.**  
**Washington, D.C. 20005**  
**Telephone: (202) 861-3000**

KOKULIS, Paul N.  
LIPPITT, Raymond F.  
KNIGHT, G. Lloyd  
LOVE, Carl G.  
MARTIN, Edgar H.  
COLTON, Kendrew H.  
JOYCE, Kevin E.  
WISE, Roger R.  
NAGY, Paul G.  
BENGTTSSON, W. Patrick

BIRD, Donald J.  
ECCLESTON, Lynn E.  
GOWDEY, Peter W.  
LAZAR, Dale S.  
PERRY, Glenn J.  
MORDUCH, Ruth N.  
WHITE, Paul E., Jr.  
ZAITLEN, Richard H.  
FINKELSTEIN, Jay M.

EDGEELL, G. Paul  
JAKOPIN, David A.  
PAULSON, Mark G.  
KLIMA, Timothy J.  
McQUADE, Paul F.  
HESS, Adam R.  
DZWONCZYK, Michael R.  
SMYRSKI, Steven W.  
BARUFKA, Jack S.

**All correspondence should be directed to Raymond F. Lippitt of Pillsbury Madison & Sutro LLP at the above-listed address.**

Kindly recognize as associate attorney(s):

CHARLES B. CAPPELLARI, Reg. No. 40,937, CHRISTINE A. GRITZMACHER, Reg. No. 40,627, MICHAEL J. GILLY, Reg. No. 42,579, and PETER R. SHEARER, Reg. No. 28,117 at Gen-Probe Incorporated, Patent Department, 10210 Genetic Center Drive, San Diego, CA 92121.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

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GP095-02.UT

Full name of first inventor: Kelly G. Ammann

Inventor's signature Kelly G. Ammann Date 8 July 1999

Residence: 656 Wade Road, Longmont, Colorado 80503

Citizenship: United States of America

Post Office Address: 656 Wade Road, Longmont, Colorado 80503

Full name of second inventor: Ralph E. Burns

Inventor's signature Ralph E. Burns Date 8 July 1999

Residence: 302 27th Street, Boulder, Colorado 80303

Citizenship: United States of America

Post Office Address: 302 27th Street, Boulder, Colorado 80303

Full name of third inventor: Ernest V. Hansberry

Inventor's signature Ernest V. Hansberry Date 8 July 1999

Residence: 29435 Roon Drive, Evergreen, Colorado 80439

Citizenship: United States of America

Post Office Address: 29435 Roon Drive, Evergreen, Colorado 80439

Full name of fourth inventor: Glenn A. Horner

Inventor's signature Glenn A. Horner Date 7-12-1999

Residence: 715 Zamia Court, Boulder, Colorado 80304

Citizenship: United States of America

Post Office Address: 715 Zamia Court, Boulder, Colorado 80304

Full name of fifth inventor: Cheryl A. Jakub

Inventor's signature Cheryl A. Jakub Date 8 July 1999

Residence: 10792 Emanuel Way, Golden, Colorado 80403

Citizenship: United States of America

Post Office Address: 10792 Emanuel Way, Golden, Colorado 80403

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GP095-02.UT

Full name of sixth inventor: John E. Kling

Inventor's signature John E. Kling Date 7/12/99

Residence: 4507 Mulberry Court, Boulder, Colorado 80301

Citizenship: United States of America

Post Office Address: 14247 Barnabe Court, San Diego, CA 92129

Full name of seventh inventor: Donald J. Nieglos

Inventor's signature Donald J. Nieglos Date 7/8/99

Residence: 1474 East Weldona Way, Superior, Colorado 80027

Citizenship: United States of America

Post Office Address: 1474 East Weldona Way, Superior, Colorado 80027

Full name of eighth inventor: Robert E. Schneider

Inventor's signature Robert E. Schneider Date 7/8/99

Residence: 2777 Hughs Dr. Erie, CO 80516  
145 South Tanner Court, Louisville, Colorado 80027

Citizenship: United States of America

Post Office Address: 2777 Hughs Dr. Erie CO 80516  
145 South Tanner Court, Louisville, Colorado 80027

Full name of ninth inventor: Robert J. Smith

Inventor's signature R.J. Smith Date 7/8/99

Residence: 889 Larkspur Court, Louisville, Colorado 80027

Citizenship: United States of America

Post Office Address: 889 Larkspur Court, Louisville, Colorado 80027

**IN THE  
UNITED STATES  
PATENT AND TRADEMARK  
OFFICE**

<i>Application Number</i>	Continuation of Serial No. 09/985,064
<i>Filing Date</i>	Concurrently Herewith
<i>First Named Inventor</i>	Kelly G. AMMANN et al.
<i>Group Art Unit</i>	Unknown
<i>Examiner Name</i>	Unknown
<i>Attorney Docket Number</i>	2599-104-C2

*Title of the Invention:* INCUBATOR FOR USE IN AN AUTOMATED DIAGNOSTIC ANALYZER

**ASSOCIATE POWER OF ATTORNEY AND  
CHANGE OF CORRESPONDENCE ADDRESS**

Assistant Commissioner for Patents  
Washington, D.C. 20231

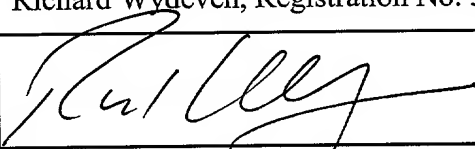
Dear Sir:

The undersigned hereby appoints the following attorney as associate attorney to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Charles B. Cappellari, Esq.  
Senior Patent Attorney  
Gen-Probe Incorporated  
10210 Genetic Center Drive  
San Diego, CA 92121-4362  
Telephone: (858) 410-8000  
Telefax: (858) 410-8625  
Registration No. 40,937

Please send all correspondence concerning the application to Customer No. 21365.

All prior previously granted powers of attorney remain in effect.

RESPECTFULLY SUBMITTED,					
NAME AND REG. NUMBER	Richard Wydeven, Registration No. 39,881				
SIGNATURE				DATE	02/13/02
ADDRESS	Rothwell, Figg, Ernst & Manbeck, P.C. 555 Thirteenth Street, N.W., Suite 701, East Tower				
CITY	Washington	STATE	D.C.	ZIP CODE	20004
COUNTRY	U.S.A.	TELEPHONE	(202) 783-6040	FAX	(202) 783-6031